

STATE OF MINNESOTA

IN DISTRICT COURT

EIGHTH JUDICIAL DISTRICT

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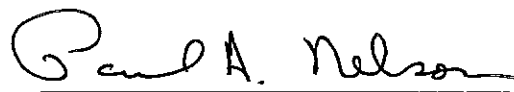
ORDER ESTABLISHING THE JURY ADMINISTRATION  
PLAN FOR THE EIGHTH JUDICIAL DISTRICT

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Pursuant to approval of the Judges of the Eighth Judicial District on Tuesday,  
June 30, 2009,

IT IS HEREBY ORDERED that the attached is adopted as the Jury  
Administration Plan for the Eighth Judicial District.

Dated: February 10, 2010



PAUL A. NELSON, Chief Judge  
Eighth Judicial District

## EIGHTH JUDICIAL DISTRICT JURY ADMINISTRATION PLAN

### **Jury System**

The following jury administration plan is adopted as the jury administration plan for each of the thirteen (13) counties of the Eighth Judicial District.

Persons shall be selected randomly for jury service, from the broadest possible cross section of people in the area served by the court. All qualified persons have an obligation to serve as jurors when summoned, and all should be considered for jury service.

A jury commissioner is appointed in each county of the Eighth Judicial District to administer the jury system under the supervision and control of the chief judge of the judicial district. Pursuant to the Jury Management Rules adopted by the Minnesota Supreme Court, the Eighth Judicial District Administrator designates the Court Administrator in each of the thirteen counties of the Eighth Judicial District as the jury commissioner for their respective counties. The designated jury commissioners of the Eighth Judicial District shall be responsible to the Judicial District Administrator in the performance of the jury commissioner's tasks.

The Eighth Judicial District Jury Manager shall perform the following jury administration tasks on behalf of the jury commissioners of the Eighth Judicial District:

- Distribute and collect the juror qualification questionnaires for the counties of the Eighth Judicial District;
- Compile the responses of the jury qualification questionnaires in the format provided for the management of the jury process;
- Excuse, defer or restructure the term of service to which the juror has been summoned.

### **Random Selection Procedures**

In accordance with Rule 805, jurors shall be selected in such a manner that no recognizable class of the population from which the names are being selected can be purposely included or excluded. Any method may be used, manual or automated, that provides each eligible and available person with an equal probability of selection.

Random selection procedures shall be employed in:

1. selecting persons to be summoned for Grand juries on an annual basis;
2. selecting persons to be summoned for Petit jury service;
3. assigning prospective jurors to panels; and
4. calling prospective jurors for voir dire.

Departures from the principle of random selection are appropriate

1. to exclude persons ineligible for service in accordance with Rule 808 of the Jury Management Rules;
2. to excuse or defer prospective jurors in accordance with Rule 810 of the Jury Management Rules;
3. to remove prospective jurors for cause or if challenged peremptorily in accordance with applicable rules of procedure.
4. to equalize service among all prospective jurors in accordance with Rule 812 of the Jury Management Rules.

### **Source List**

The voter registration and driver's license list for each county in the Eighth Judicial District shall serve as the jury source list.

The lists may be stored and updated in a manual or automated manner.

### **Master List**

A master list shall be used in the jury administration process in each of the 13 counties in the Eighth Judicial District. The minimum number of names to be drawn from the source list for the master list shall be determined by each respective jury commissioner.

### **Conditions for Excusing a Juror**

Pursuant to Rule 810, eligible persons who are summoned may be excused from jury service if:

1. their ability to receive and evaluate information is so impaired that they are unable to perform their duties as jurors and they are excused for this reason by the jury commissioner or a judge; or
2. they request to be excused because their service would be a continuing hardship to them or to members of the public and they are excused for this reason by the jury commissioner; or
3. a qualified prospective juror who is 70 years of age or older may, upon request, be excused from jury service without submitting evidence of an inability to serve.

There are no other automatic excuses from jury service. When an excuse is granted, the prospective juror's name is removed from the list of eligible jurors for the remainder of the jury term. All requests for excuses should be recorded and should be granted only after all possibilities for deferral have been exhausted.

### **Conditions for Deferral of Jurors**

Deferral or restructuring of jury service is encouraged as an alternative to excuse from service. Upon request for deferment by a qualified prospective juror, the Eighth Judicial District Jury Manager shall determine whether the prospective juror meets the conditions set out in this jury administration plan. The deferral shall be for a reasonable time, after which the prospective juror shall be available for jury service. Possible reasons for granting a deferment or restructured term of service include:

1. they are a member, officer or employee of the legislature and the legislature is in session.
2. a candidate who has filed an affidavit of candidacy for elected office under Minnesota Laws, chapter 103C, 122, 204D, 205, 205A, or 447 may be deferred from jury service if requested. The date of deferment under this provision shall be from the date of filing the affidavit until the day after the election for that office.
3. seasonal employment
4. vacation
5. pregnancy

6. temporary illness or family member with serious illness
7. full-time student
8. Primary caretaker of preschool children or daycare provider
9. Persons who must attend to their business or are the only employee of a business.

Request for deferrals should be recorded. The above examples are illustrative, and are not intended to be exclusively binding on the Eighth Judicial District Jury Manager. Individual discretion shall be reserved for unique circumstances.

### **Juror Qualification Questionnaire**

The Eighth Judicial District Jury Manager shall determine on the basis of information provided on the juror qualification questionnaire, supplemented if necessary, whether the prospective juror is qualified for jury service. This determination shall be entered on the questionnaire or other record designated by the court.

To be qualified to serve as a juror, the prospective juror must be:

1. A citizen of the United States.
2. At least 18 years old.
3. A resident of the county.
4. Able to communicate in the English language.
5. Be physically and mentally capable of rendering satisfactory jury service. A person claiming disability must submit a written explanation. A medical statement may be required.
6. A person who completed their sentence or probation/parole/supervised release, if they have been convicted of a felony.
7. A person who has not served as a state or federal grand or petit juror in the past four (4) years.

A judge, serving in the judicial branch of government, is disqualified from jury service.

### **Failure to Return a Qualification Questionnaire or Appear in Response to a Summons**

If a person fails to respond to a juror summons/qualification form within 10 days the jury commissioner shall send a subsequent notice(s). This notice should differ from the original summons/qualifications form in that it should explicitly state that it is a subsequent notice. The final notice shall be sent by certified mail, return receipt requested, and shall advise the individual to contact the court immediately to reschedule his or her service date. The final notice shall emphasize the criminal consequences for intentionally ignoring a juror summons/qualifications form. Rather than sending a final notice, a jury commissioner may request the court to issue an Order to Show Cause, which shall be personally served, ordering the person to appear in court.

### **Discrimination Prohibited**

Pursuant to Rule 809 and other court rulings, a citizen shall not be excluded from jury service on account of race, color, creed, religion, sex, national origin, marital status, sexual orientation, status with regard to public assistance, disability, age, occupation, physical or sensory disability, or economic status.

### **Jury Orientation and Instruction**

Each juror shall be oriented and instructed by the jury commissioner or designee prior to being drawn as a juror on a particular case. The orientation program should be designed to increase the prospective juror's understanding of the judicial system and prepare them to serve competently as jurors and should be presented in a uniform and efficient manner.

- A. Prior to Service. The first opportunity for orientation and instruction is when the questionnaire is sent to the prospective juror. Therefore, the court should use a questionnaire/summons and other correspondence containing clear and concise language that instructs the juror what they are to do and what is expected of them.
- B. Upon first appearance at the courthouse or prior to service in writing, juror orientation information may include the following:
  - The importance of jury service and appreciation for juror's time

- Greetings and introductions
- Payment information: daily rate, mileage, long distance calls
- Childcare reimbursement policy and letters of verification for work
- Qualification information; how a juror is selected
- Randomness – how it prevails with initial selection and throughout the case
- Explanation of excuses for vacation, illnesses, and general problems
- Length of service and call-in system
- Overview of building layout, telephones, restrooms, lunchrooms, parking
- A brief explanation of the working of the courts – delays and juror “waiting”
- Names of judges and location of courtroom(s)
- Assistance for hearing impaired
- Daily reporting if impaneled juror, schedule, breaks
- Video presentation
- Questions

C. During the course of a trial, the trial judge should:

1. give preliminary instructions directly following empanelling of the jury which at a minimum conforms to the preliminary instruction set forth in the Minnesota Civil and Criminal Jury Instruction Guides;
2. prior to the commencement of deliberations, instruct the jury on the law, on the appropriate procedures to be followed during deliberations, and on the appropriate method for reporting the results of its deliberations. Such instructions should be made available to the jurors during deliberations.
3. prepare and deliver instructions which are understood by individuals unfamiliar with the legal system.

Before dismissing a jury at the conclusion of a case, the trial judge should:

1. release the jurors from their duty of confidentiality;
2. explain their rights regarding inquiries from counsel or the press;
3. either advise them that they are discharged from service or specify where and when they must report.

The judge should express appreciation to the jurors for their service, but the judge should not express approval or disapproval of the result of the deliberation.

**Term of Jury service**

The time that persons are called upon to perform jury service and be available for jury service is the shortest period consistent with the needs of justice and shall not exceed the provisions of Rule 811.